IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REFERENCE NO.02 OF 2006

Dist : Pune

The Chief Controlling Revenue
and Others ..Applicants

Vs.

M/s.Bharat Petroleum Corporation
Ltd., Mumbai ..Respondent

Mr.Sunil Kale, Legal Adviser-in person for the
Applicant Nos.1 and 2.
Ms.Sheeja John i/b. M/s.M.P.Savla & Co. for the
Respondent.

CORAM :- DR.S.RADHAKRISHNAN,
D.B.BHOSALE &
SMT.V.K.TAHILRAMANI,JJ.

DATE : 15TH FEBRUARY,2007
(In chamber at 2.45 pm)

P.C.

1. Heard the Legal Adviser of the Applicant Nos.1 and 2, who is personally present today and the learned Counsel for the Respondents. We have perused the order dated 5th May,2005 passed by the Division Bench and the provisions of Section 54(2) of the Bombay Stamp Act,1959.

2. The following three substantial questions of law, arise in the above matter:-

1. Whether the Memorandum of Understanding dated 20th October,1993 (being Exh. C to the Petition) is a Conveyance within the meaning of Section 2(g) read with Article 25 of the Schedule I to the Bombay Stamp Act as it stood at the relevant time ?

2. Whether the valuation of the property by the Collector is correct in view of the fact that the Petitioners were already occupying the entire plot as lessees prior to the entering of the Memorandum of Understanding ?

3. Whether the Collector was justified in imposing the penalty ?

3. We have perused the above Civil Reference, and find that the Petitioner has not filed the complete statement of the case with all relevant documents and translations thereof.

4. Hence, we direct the Applicant Nos.1 and 2 to send the complete statement of the case with all particulars, details and the entire record with full translations, to entertain the Reference, with regard to the above three substantial questions of law.

5. The present Civil Reference stands disposed of.

(DR.S.RADHAKRISHNAN,J.)

(D.B.BHOSALE,J.)

(SMT.V.K.TAHILRAMANI,J.)